

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,) CASE NO.
)
Plaintiff,)
) JUDGE
v.)
)
15 PIT BULL-TYPE DOGS PRESENTLY IN)
THE CUSTODY OF THE UNITED STATES)
MARSHALS SERVICE,)
)
RABBIT PRESENTLY IN THE CUSTODY OF)
THE UNITED STATES THROUGH THE)
SUMMIT COUNTY HUMANE SOCIETY,)
)
ALL OFFSPRING OF THE 15 PIT BULL-TYPE)
DOGS AND RABBIT; INCLUDING, BUT NOT)
LIMITED TO, FOUR (4) PUPPIES,)
)
Defendants.)

COMPLAINT IN FORFEITURE

NOW COMES Plaintiff, the United States of America, by Michelle M. Baeppeler, First Assistant United States Attorney for the Northern District of Ohio, and James L. Morford, Assistant U.S. Attorney, and files this Complaint in Forfeiture, respectfully alleging as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

JURISDICTION AND INTRODUCTION

1. This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. Section 1345, and over an action for forfeiture under 28 U.S.C.

Section 1355(a). This Court also has jurisdiction over this particular action under 7 U.S.C. Section 2156(e) (animal fighting venture prohibition).

2. This Court has *in rem* jurisdiction over the defendant animals pursuant to: (i) 28 U.S.C. Section 1355(b)(1)(A) because acts giving rise to the forfeiture occurred in this district; and, (ii) 28 U.S.C. Section 1355(b)(1)(B), incorporating 28 U.S.C. Section 1395, because the action accrued in this district and the defendant rabbit is found in this district.

3. This Court will have control over the defendant animals through service of arrest warrants *in rem*, which the United States will execute upon the defendant animals. *See*, Supplemental Rules G(3)(b) and G(3)(c).

4. Venue is proper in this district pursuant to: (i) 28 U.S.C. Section 1355(b)(1)(A) because acts giving rise to the forfeiture occurred in this district; and, (ii) 28 U.S.C. Section 1395 because the action accrued in this district and the defendant rabbit is found in this district.

5. On or about April 12, 2022, six (6) of the defendant pit bull-type dogs were found at RONALD SMITH's Fultz Street, Akron, Ohio, residence and were lawfully seized by the Summit County Humane Society. On or about May 2, 2022, agents of the United States Department of Agriculture, Office of the Inspector General (USDA-OIG) - an agency of the executive branch of the United States - took possession of the (6) pit bull-type dogs from the Summit County Humane Society.

6. On or about May 2, 2022, agents of the USDA-OIG lawfully took possession of two (2) additional defendant pit bull-type dogs – and the defendant rabbit – from RONALD SMITH's Fultz Street, Akron, Ohio, residence.

7. On or about May 2, 2022, the remaining seven (7) defendant pit bull-type dogs were found at RONALD SMITH's Herman Avenue, Akron, Ohio, residence and were lawfully seized by agents of the USDA-OIG.

8. To date, pregnancy(ies) of the defendant pit bull-type dogs have resulted in the birth of four (4) defendant puppies.

9. The defendant animals are now in the custody of the federal government, through either the United States Marshals Service (the defendant pit bull-type dogs and the defendant puppies) or the Summit County Humane Society (the defendant rabbit).

10. The defendant animals are subject to forfeiture to the United States under 7 U.S.C. Section 2156(e) in that they were involved in a violation(s) of 7 U.S.C. Section 2156(b) (Possess and Train a Dog for Purposes of an Animal Fighting Venture).

DESCRIPTION OF THE DEFENDANT ANIMALS

11. The following animals are the defendant animals in the instant case:

a.) Pit bull-type dog named Merrel - identifying number: USM831 - presently in the custody of the United States Marshals Service (USMS), which was initially seized on April 12, 2022, at the Fultz Street, Akron, Ohio, property of RONALD SMITH.

b.) Pit bull-type dog named Converse - identifying number: USM832 - presently in the custody of the USMS, which was initially seized on April 12, 2022, at the Fultz Street, Akron, Ohio, property of RONALD SMITH.

c.) Pit bull-type dog named Rainbow - identifying number: USM833 - presently in the custody of the USMS, which was initially seized on April 12, 2022, at the Fultz Street, Akron, Ohio, property of RONALD SMITH.

d.) Pit bull-type dog named Tennis - identifying number: USM834 - presently in the custody of the USMS, which was initially seized on April 12, 2022, at the Fultz Street, Akron, Ohio, property of RONALD SMITH.

e.) Pit bull-type dog named Lebron - identifying number: USM835 - presently in the custody of the USMS, which was initially seized on April 12, 2022, at the Fultz Street, Akron, Ohio, property of RONALD SMITH.

f.) Pit bull-type dog named Nike - identifying number: USM836 - presently in the custody of the USMS, which was initially seized on April 12, 2022, at the Fultz Street, Akron, Ohio, property of RONALD SMITH.

g.) Pit bull-type dog named Flip - identifying number: USM829 - presently in the custody of the USMS, which was seized on May 2, 2022, at the Fultz Street, Akron, Ohio, property of RONALD SMITH.

h.) Pit bull-type dog named Flop - identifying number: USM830 - presently in the custody of the USMS, which was seized on May 2, 2022, at the Fultz Street, Akron, Ohio, property of RONALD SMITH.

i.) Pit bull-type dog named Fila - identifying number: USM822 - presently in the custody of the USMS, which was seized on May 2, 2022, at the Herman Avenue, Akron, Ohio, property of RONALD SMITH.

j.) Pit bull-type dog named Puma - identifying number: USM823 - presently in the custody of the USMS, which was seized on May 2, 2022, at the Herman Avenue, Akron, Ohio, property of RONALD SMITH.

k.) Pit bull-type dog named Timberland - identifying number: USM824 - presently in the custody of the USMS, which was seized on May 2, 2022, at the Herman Avenue, Akron, Ohio, property of RONALD SMITH.

l.) Pit bull-type dog named Stilletto - identifying number: USM825 - presently in the custody of the USMS, which was seized on May 2, 2022, at the Herman Avenue, Akron, Ohio, property of RONALD SMITH.

m.) Pit bull-type dog named Croc - identifying number: USM826 - presently in the custody of the USMS, which was seized on May 2, 2022, at the Herman Avenue, Akron, Ohio, property of RONALD SMITH.

n.) Pit bull-type dog named Slide - identifying number: USM827 - presently in the custody of the USMS, which was seized on May 2, 2022, at the Herman Avenue, Akron, Ohio, property of RONALD SMITH.

o.) Pit bull-type dog named Ugg - identifying number: USM828 - presently in the custody of the USMS, which was seized on May 2, 2022, at the Herman Avenue, Akron, Ohio, property of RONALD SMITH.

p.) Rabbit - used as a “bait animal” - presently in the custody of the Summit County Humane Society, which was seized on May 2, 2022, at the Fultz Street, Akron, Ohio, property of RONALD SMITH.

q.) One or more of the above-described defendant animals are/may be pregnant. The United States also seeks the forfeiture of any offspring of the above-described defendant animals. To date, pregnancy(ies) of the defendant pit bull-type dogs have resulted in the birth of four (4) defendant puppies. The puppies are named and identified as follows:

- Poseidon - identifying number: USM828A.

- Selene - identifying number: USM828B.
- Aphrodite - identifying number: USM828C.
- Asteria - identifying number: USM828D.

FORFEITURE

I. *The Criminal Case / Indictment.*

12. On May 25, 2022, a 22-count Indictment (R. 1) was returned against RONALD SMITH in N.D. Ohio Case No. 5:22-CR-277 (Judge John R. Adams). In pertinent part, defendant SMITH was charged as follows:

Counts 6-13: Possess and Train a Dog for Purposes of an Animal Fighting Venture, in violation of 7 U.S.C. § 2156(b) and 18 U.S.C. § 49(a).

Counts 16-22: Possess and Train a Dog for Purposes of an Animal Fighting Venture, in violation of 7 U.S.C. § 2156(b) and 18 U.S.C. § 49(a).

13. Forfeiture provisions were set forth in the Indictment (R. 1) in N.D. Ohio Case No. 5:22-CR-277. With respect to Counts 6-13 and Counts 16-22, the forfeiture provision entitled “7 U.S.C. Section 2156(e) & 28 U.S.C. Section 2461(c)” specified, in part, as follows:

The allegations contained in Counts 6-13 and 16-22 of this Indictment are hereby re-alleged and incorporated by reference as if fully set forth herein for the purpose of alleging forfeiture pursuant to the provisions of Title 7, United States Code, Section 2156(e) and Title 28, United States Code, Section 2461(c). As a result of these offenses, defendant RONALD SMITH shall forfeit to the United States any and all animals involved in such offenses

14. The General Allegations section of the Indictment (R. 1) in N.D. Ohio Case No. 5:22-CR-277 alleged:

At all times material to this Indictment:

- An “animal fighting venture” was “any event, in or affecting interstate or foreign commerce, that involves a fight conducted or to be conducted between at least two animals for purposes of sport, wagering, or entertainment.” 7 U.S.C. Section 2156(g)(1).

- Defendant RONALD SMITH was a resident of the Northern District of Ohio, Eastern Division.
- SMITH owns and maintains two residential properties in Akron, Ohio. The first residence is located on Fultz Street and the second residence is on Herman Avenue.
- On May 2, 2022, at the Fultz Street residence, SMITH possessed items used to train and prepare dogs for participation in a dog fight, including, but not limited to, the following:

Two non-motorized treadmill designed for dogs.

A rabbit, which was caged and placed in front of one of the treadmills.

Performance enhancing and first-aid related medications for dogs.

Numerous “break” sticks spattered with blood and bearing teeth marks.

Numerous weighted metal dog chains.

A walled-fighting pit spattered with blood.

- On May 2, 2022, at the Herman Avenue residence, SMITH possessed items used to train and prepare dogs for participation in a dog fight, including, but not limited to, the following:

Performance enhancing and first-aid related medications for dogs.

Numerous weighted metal dog chains.

15. As alleged above, defendant RONALD SMITH was charged in Counts 6-13 of the Indictment (R. 1) in N.D. Ohio Case No. 5:22-CR-277 with Possess and Train a Dog for Purposes of an Animal Fighting Venture, in violation of 7 U.S.C. Section 2156(b) and 18 U.S.C. Section 49(a). Particularly, in this regard, the Grand Jury charged as follows at paragraphs 12-14, PageID 5, of the Indictment:

- On or about April 12, 2022, six pit bull-type dogs were found at the Fultz Street residence and lawfully seized by the Summit County Humane Society.
- On or about May 2, 2022, agents of the [USDA-OIG], an agency of the executive branch of the United States, took possession of the six (6) pit-bull type dogs

seized by the Summit County Humane Society, as well as two (2) pit bull-type dogs from the Fultz Street residence, and assigned the following inventory numbers: USM-831, USM-832, USM-833, USM-834, USM-835, USM-836, USM-829, and USM-830.

- Between on or about April 12, 2022, and on or about May 2, 2022, in the Northern District of Ohio, Eastern Division, Defendant RONALD SMITH knowingly possessed and trained a dog for purposes of having the dog participate in an animal fighting venture, for which each dog identified below constitutes a separate violation:

Count	Dog Inventory Number
6	USM-831
7	USM-832
8	USM-833
9	USM-834
10	USM-835
11	USM-836
12	USM-829
13	USM-830

16. As set forth above, defendant RONALD SMITH was charged in Counts 16-22 of the Indictment (R. 1) in N.D. Ohio Case No. 5:22-CR-277 with Possess and Train a Dog for Purposes of an Animal Fighting Venture, in violation of 7 U.S.C. Section 2156(b) and 18 U.S.C. Section 49(a). Particularly, in this regard, the Grand Jury charged as follows at paragraphs 18-19, PageID 7-8, of the Indictment:

- On or about May 2, 2022, seven pit bull-type dogs were found at the Herman Avenue residence and were lawfully seized by agents of the [USDA-OIG], an agency of the executive branch of the United States and assigned the following inventory numbers: USM-822, USM-823, USM-824, USM-825, USM-826, USM-827, and USM-828.

- On or about May 2, 2022, in the Northern District of Ohio, Eastern Division, Defendant RONALD SMITH knowingly possessed and trained a dog for purposes of having the dog participate in an animal fighting venture, for which each dog identified below constitutes a separate violation:

Count	Dog Inventory Number
16	USM-822
17	USM-823
18	USM-824
19	USM-825
20	USM-826
21	USM-827
22	USM-828

II. *Agreement.*

17. On July 18, 2022, RONALD SMITH, who was represented by counsel, and the United States Attorney's Office, Northern District of Ohio (USAO) entered into an Agreement as to the defendant animals. In its entirety, the Agreement – which was filed as R. 15 in N.D. Ohio Case No. 5:22-CR-277 - provided as follows:

- The following animals are the subject of this Agreement (hereinafter, the "subject animals"):

The 15 pit bull-type dogs named for forfeiture at PageID 9-10 of the Indictment (R. 1) returned in [N.D. Ohio Case No. 5:22-CR-277]. The dogs presently are in the custody of the United States Marshals Service.

The rabbit named for forfeiture at PageID 10 of the Indictment (R. 1). The rabbit presently is in the custody of the Summit County Humane Society.

At PageID 11 of the Indictment (R. 1), the following is stated: "One or more of the above-described animals are/may be pregnant. The United States also will seek the forfeiture of any offspring of the above-described animals." It is the

understanding of the USAO that, to date, pregnancies of the pit bull-type dogs have resulted in the birth of four (4) puppies.

- The purpose of this Agreement is to resolve the disposition of the subject animals in an expeditious and humane manner. Additionally, this Agreement also seeks cost efficiency; in this regard it is the understanding of the USAO that the cost for boarding and necessary care – including veterinary treatment – of the subject animals for the month of May 2022, alone, was approximately \$36,495.27.
- To execute the purposes of this Agreement, Defendant Ronald Smith disclaims any interest in the subject animals and consents to their forfeiture. Particularly, Defendant agrees that he will not contest any civil forfeiture action instituted by the United States with respect to the subject animals. The USAO acknowledges that this Agreement is limited to the agreements set forth in this paragraph. In particular, by signing this Agreement, Defendant Ronald Smith makes no additional agreements and/or admissions with respect to any other actual or prospective proceeding or action.

CONCLUSION:

18. By reason of the foregoing, the defendant animals are subject to forfeiture to the United States under 7 U.S.C. Section 2156(e) in that they were involved in a violation of 7 U.S.C. Section 2156(b) (Possess and Train a Dog for Purposes of an Animal Fighting Venture).

WHEREFORE, Plaintiff, the United States of America, requests that this Court enter judgment forfeiting the defendant animals to the United States, and providing that the defendant animals be delivered into the custody of the United States for disposition by humane means and in accordance with law.

Respectfully submitted,

Michelle M. Baeppeler
First Assistant U.S. Attorney, N.D. Ohio

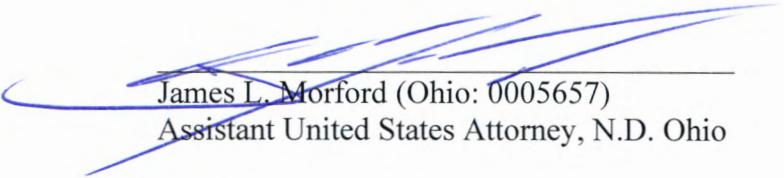
By:


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VERIFICATION

STATE OF OHIO)
)
) SS.
COUNTY OF CUYAHOGA)

I, James L. Morford, under penalty of perjury, depose and say that I am an Assistant United States Attorney for the Northern District of Ohio, and the attorney for the plaintiff in the within entitled action. The foregoing Complaint in Forfeiture is based upon information officially provided to me and, to my knowledge and belief, is true and correct.


James L. Morford (Ohio: 0005657)
Assistant United States Attorney, N.D. Ohio

Sworn to and subscribed in my presence this 28th day of July, 2022.


Anna J. Dudas
Notary Public

ANNA J DUDAS
Notary Public
State of Ohio
My Comm. Expires
December 5, 2026